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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/733,808
Filing Date: December 10, 2003
Appellant(s): HOPEN ET AL.

Tam Thanh Pham
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 28, 2009 appealing from the Office action

mailed May 27, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,774,660	Brendel et al.	06-1998
6,128,279	O'Neil et al.	10-2000
6,145,089	Le et al.	11-2000
6,438,652	Jordan et al.	08-2002
6,789,118	Rao, Ramakrishna	09-2004
7,068,640	Kakemizu et al.	06-2006
7,032,022	Shanumgam et al.	04-2006
2003/0212788	Wilding et al.	11-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 20-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Neil et al. US Patent No. 6,128,279 (O'Neil hereinafter), in view of Wilding et al. US Publication No.

2003/0212788 (Wilding hereinafter).

As per claim 1, O'Neil teaches substantially the invention as claimed including a network

appliance, comprising:

at least one platform service stored in memory, the at least one platform server executable by a processing device (col. 5, lines 34-42. Module stored on memory. Processor. col. 4, line 65-col. 5, line 6. Server may be a WWW, CORBA, ORB, SMTP server.);

a service monitor stored in memory and executable by a processor to monitor a working status of the at least one platform service using interprocess communications (col. 6, lines 27-32. Determine load that the server is currently processing and whether operating capacity exceeds a predetermined level.); and

a load balancer stored in memory and executable by a processor to perform load balancing on received communications based on at least the working status of the at least one platform service (col. 6, lines 34-36. Determine that the load exceeds a predetermined level. col. 7, lines 24-31. Route the network request to another server.).

O'Neil does not explicitly teach of the working status indicating that the at least one platform service is running, not running, or starting.

Wilding teaches of monitoring a working status of a service, wherein the working status indicates that the at least one platform service is running or not running (Paragraphs 0035-0036. Monitor state of a service, the state including operable and not operable.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to monitor a working status indicating that a service is running or not running. The motivation for the suggested combination is that Wilding's teachings would improve O'Neil's teachings by providing information to ensure high availability of a service (Paragraphs 0023; 0028).

As per claim 20, O'Neil teaches substantially the invention as claimed including a method of processing client communications to a network, comprising:

receiving a first client communications at a first network appliance hosting at least one first

platform service (col. 5, lines 43-44; col. 6, lines 12-15. Receive request. col. 5, lines 45. Process

request. col. 4, line 65-col. 5, line 6. Server may be a WWW, CORBA, ORB, SMTP server.);

employing a load balancer hosted by the first network appliance to direct the first client to the at

least one first platform service hosted by the first network appliance based on at least a working status of

the at least one first platform service (col. 6, lines 27-32. Determine load that the server is currently

processing and whether operating capacity exceeds a predetermined level. col. 7, lines 24-31. Route the

network request to another server.);

receiving a second client communication at the first network appliance (col. 6, lines 11-14.

Network request. It is inherent that a server may receive more than one request. col. 7, lines 40-47.

Requests.); and

employing the load balancer to direct the second client communications to a second platform

service hosted by a second network appliance based on at least the working status of the at least one first

platform service and a working status of the second platform service (col. 6, lines 50-57. Determine the

load of another server. col. 7, lines 4-20. Determine whether the another server is off-line or unable to

exchange information. col. 7, lines 24-31. Route request to the another server.).

O'Neil does not explicitly teach of the working status indicating that the at least one platform

service is running, not running, or starting.

Wilding teaches of monitoring a working status of a service, wherein the working status indicates

that the at least one platform service is running or not running (Paragraphs 0035-0036. Monitor state of a

service, the state including operable and not operable.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings to monitor a working status indicating that a service is running or not running.

The motivation for the suggested combination is that Wilding's teachings would improve O'Neil's

teachings by providing information to ensure high availability of a service (Paragraphs 0023; 0028)

As per claim 2, O'Neil teaches the network appliance of claim 1, further comprising a backplane

interface through which the network appliance exchanges data with another device (col. 6, lines 36-43.

Modules in servers exchange information. fig. 3; col. 7, lines 47-50. Route request to another server.).

As per claim 3, O'Neil teaches the network appliance of claim 2, wherein

the another device hosts at least one second platform service stored in memory (col. 5, lines 37-

40, 44-45. Servers, e.g. server 7, that process requests. col. 4, line 65-col. 5, line 6. Server may be a

WWW, CORBA, ORB, SMTP server.), and

the service monitor is executable to monitor a working status of the second platform service using

communications transmitted over the backplane (col. 6, lines 36-44. Determine load of other servers.

col. 7, lines 4-20. Determine whether the another server is off-line or unable to exchange information.).

As per claim 5, O'Neil teaches the invention of claim 1, wherein the at least one platform service

is an access method service (col. 4, line 65-col. 5, lines 6. Servers may be a WEB, FTP, or SMTP server,

which would provide WEB, FTP, or SMTP services.).

As per claim 21, O'Neil teaches the method of claim 20, further comprising: analyzing the first

client communications to determine if the first client communications includes association data indicating

that the first client communication is associated with the at least one first platform service; and

determining that the first client communication includes association data indicating that the first

communications is associated with the at least one first platform service. (col. 4, line 66-col. 5, line 6.

Servers may be WWW, CORBA, FTP, SMTP servers. col. 6, lines 12-15, 29-32. Request is processed, and server outputs a response. For the request to be properly processed and serviced, the request comprises information indicating what service is being requested or associated with the request, e.g. http get request, email transmission.)

As per claim 23, O'Neil teaches the method of claim 20, further comprising:

executing a load balancing algorithm to determine whether the second client communication should be directed to the second platform service (col. 6, lines 11-14. Network request. It is inherent that a server may receive more than one request. col. 7, lines 40-47. Requests. col. 6, lines 21-24, 36-41. Determine load and the loads of other servers.); and

determining that the second client communications should be directed to the second platform service based upon results of the executed load balancing algorithm (col. 7, lines 1-3, 21-25. Determine load and online status to route requests. col. 7, lines 24-28, 45-50. Route request to another server.).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil and Wilding, in view of Rao, US Patent No. 6,789,118 (Rao hereinafter).

As per claim 4, O'Neil teaches monitoring a working status of the network appliance. O'Neil does not specifically teach the network appliance of claim 1, further comprising an interface monitor that monitors a working status of interfaces and connections employed by the network appliance.

Rao teaches of a network appliance monitoring the working status of interfaces and connections by the network appliance (col. 8, lines 10-20, 24-29. Monitor the state of links and ports).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to monitor the working status of interfaces and connections employed by the network appliance. The motivation for the suggested combination is that Rao's teachings would improve

the suggested system by allowing additional monitoring to determine whether a server can sufficiently

service network requests. Rao's teachings would also provide an improvement to the suggested system

by allowing recovery from detected equipment faults and links failures (col. 8, lines 17-23).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil and Wilding,

in view of Shanumgam et al. US Patent No. 7,032,022 (Shanumgam hereinafter).

As per claim 6, O'Neil does not specifically teach the invention of claim 5, wherein the access

method service is a private network service.

Shanumgam teaches of a network device providing VPN service (fig. 1, 17; col. 4, lines 34-39;

col. 5, lines 37-43; col. 14, lines 35-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the server to provide VPN service. The motivation for the suggested

combination is that O'Neil suggests desirability of allowing different services by teaching that the

invention can be used with different types of servers. Furthermore, Shanumgam's teachings would

provide an improvement to the suggested system by enabling the server to offer secure communications

on a public network.

As per claim 7, O'Neil does not specifically teach the invention of claim 5, wherein the access

method is an extranet Web service.

Shanumgam teaches of a network device providing extranet Web services (fig. 1; col. 4, lines 34-

39; col. 5, lines 37-43; col. 6, lines 9-13. VPN service to connect to a public network).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the server to provide extranet Web services. The motivation for the

suggested combination is that O'Neil suggests desirability of allowing different services by teaching that

the invention can be used with different types of servers. Furthermore, Shanumgam's teachings would provide an improvement to the suggested system by enabling the server to offer secure communications on a public network.

Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil and Wilding, in view of Le et al. US Patent No. 6,145,089 (Le Hereinafter).

As per claim 8, O'Neil teaches determining the working status of the at least one platform service. O'Neil does not explicitly teach the network appliance recited in claim 1, further comprising a node manager stored in memory and executable to determine the working status and provide the determined working status of the at least one platform service to the service monitor.

Le teaches of a server comprising a server manager that monitors the working status of a service and indicates the working status to another manager (col. 7, lines 32-46; col. 8, lines 43-46. Monitor functioning of the service or service group. Observe service failure.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the service monitor as taught by O'Neil to receive a working status of a service determined and provided by a manager as taught by Le. The motivation for the suggested combination is that Le's teachings would improve reliability of the suggested system by distributing the task of determining a working status to a manager and allowing servers to fail over services to other servers.

Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil and Wilding, in view of Jordan et al. US Patent No. 6,438,652 (Jordan hereinafter).

As per claim 9, O'Neil does not specifically teach the network appliance of claim 1, further comprising a distributed cache service that caches information relating to at least one platform on another network appliance.

Jordan teaches of a server comprising a distributed cache service, wherein the server caches information relating to another server (col. 4, lines 14-19; col. 7, lines 43-51. Send a copy of cached object p to a cache server.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the server to comprise a distributed cache service, wherein the server caches information relating to another server.   The motivation for the suggested combination is that Jordan's teachings would improve the suggested system by providing distributed load balancing of cached information, and retrieving content from the cache would reduce the time required to service requests.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil, Wilding, and Jordan, in view of Kakemizu et al., US Patent No. 7,068,640 (Kakemizu hereinafter).

As per claim 10, O'Neil teaches that the at least one platform service is an access method service (col. 4, line 65-col. 5, lines 6. Servers may be a WEB, FTP, or SMTP server, which would provide WEB, FTP, or SMTP services.). O'Neil does not specifically teach the invention of claim 9, wherein the information cached includes authentication information and encryption key information for encryption sessions hosted by the access method service.

Kakemizu teaches of an ISP (server) providing VPN services, wherein the server comprises cached information that includes authentication information and encryption key information for encryption sessions hosted by the service (fig 7. col. 7, line 58-col. 8, line 17. VPN information cache. VPN information profile comprises identifiers, authentication, encryption keys.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made
to combine the teachings for the cached information as taught by the suggested system to include
authentication information and encryption key information for encryption sessions hosted by the service
as taught by Kakemizu. The motivation for the suggested combination is that O'Neil suggests desirability
of allowing different services by teaching that the invention can be used with different types of servers.
Furthermore, Kakemizu's teachings would improve the suggested system by providing secure network
communications and reduce the time required to process requests.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil and Wilding, in
view of Kakemizu et al., US Patent No. 7,068,640 (Kakemizu hereinafter).

As per claim 22, O'Neil does not specifically teach the method of claim 21, wherein the
association data is a session identifier identifying an encryption session maintained by the at least one first
platform service.

Kakemizu teaches of providing a session id identify an encryption session maintained by a
service provider (col. 7, line 58-col. 8, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made
to combine the teachings to implement a server providing a VPN service and provide a session id to
identify an encryption session maintained by the server The motivation for the suggested combination is
that O'Neil teaches that the invention can be used with different types of servers, and Kakemizu's
teachings would improve the suggested system by providing secure network communications and
allowing the server to retrieve a client VPN profile to set a VPN path.

Claims 11-12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil,
in view of Wilding and Brendel et al. US Patent No. 5,774,660 (Brendel hereinafter).

As per claim 11, O'Neil teaches substantially the invention as claimed including a system comprising:

a first network appliance having: at least one first platform service stored in memory (col. 5, lines 34-42. Module stored on memory. Processor), a service monitor stored in memory and executable to monitor a working status of the at least one first platform service using interprocess communications (col. 6, lines 27-32. Determine load, operating capacity, and whether the a predetermined level is exceed.); and

a first load balancer stored in memory and executable to perform load balancing on communications received by the first network appliance based on at least the working status of the at least one first platform service, the working status indicating whether the at least one platform service is running (col. 6, lines 27-32. Determine load that the server is currently processing and whether operating capacity exceeds a predetermined level. col. 7, lines 24-31. Route the network request to another server.); and

a second network appliance having: at least one second platform service stored in memory (col. 5, lines 37-40, 44-45. Servers, e.g. server 7, that process requests.) and a second load balancer stored in memory and executable to perform load balancing on communications received by the second network appliance (col. 5, lines 37-47. Servers include load balancing modules, e.g. module 17. Determine whether to process the request.).

O'Neil does not explicitly teach of the working status indicating that the at least one platform service is running, not running, or starting, wherein the first network appliance is configured to receive all client communications to the network unless the first load balancer fails, and the second network appliance is configured to receive all client communications to the network if the first load balancer fails.

Wilding teaches of monitoring a working status of a service, wherein the working status indicates

that the at least one platform service is running or not running (Paragraphs 003—0036. Monitor status of

a service, the state including operable and not operable.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings to monitoring a working status indicating that a service is running or not

running. The motivation for the suggested combination is that Wilding's teachings would improve

O'Neil's teachings by providing information to ensure high availability of a service (Paragraphs 0023;

0028).

Brendel teaches of a first network appliance configured to receive all packets to the network

unless a first load balancer fails, and a second network appliance configured to receive all packets to the

network if the first load balancer process fails (claim 14; col. 19, lines 9-14. Secondary load balancer

receives all packets when primary load balancer fails.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the first network appliance comprising a load balancer as taught by O'Neil to

receive all packets to the network and for a second appliance device, such as the second server comprising

a load balancer in O'Neil, to receive all packets to the network if the first load balancer fails. The

motivation for the suggested combination is that Brendel's teachings would improve the reliability of the

suggested system by providing a backup service that allows continued load balancing of communications

in the network and thus reducing the failure of services.

As per claim 12, O'Neil teaches the network of claim 11, wherein the second network appliance

further includes a second service monitor stored in memory and executable to monitor a working status of

the at least one second platform using interprocess communications (col. 5, lines 37-47. Servers comprise

load balancing modules. Module includes process steps to determine whether to process a request. col. 6, lines 18-29. Determine the load, operating capacity, and whether load exceeds a predetermined level.).

As per claim 14, O'Neil teaches the invention of claim 11, wherein the at least one platform service is an access method service (col. 4, line 65-col. 5, lines 6. Servers may be a WEB, FTP, or SMTP server, which would provide WEB, FTP, or SMTP services.).

As per claim 17, O'Neil teaches the network of claim 11, wherein the at least second platform service is an access method service (col. 4, line 65-col. 5, lines 6. Servers may be a server that provides WEB, FTP, SMTP services.).

Claims 15-16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil, Wilding, and Brendel, in view of Shanumgam.

As per claim 15, O'Neil does not specifically teach the invention of claim 14, wherein the access method service is a private network service.

Shanumgam teaches of a network device providing VPN service (fig. 1, 17; col. 4, lines 34-39; col. 5, lines 37-43; col. 14, lines 35-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the server to provide VPN service. The motivation for the suggested combination is that O'Neil suggests desirability of allowing different services by teaching that the invention can be used with different types of servers. Furthermore, Shanumgam's teachings would improve the suggested system by enabling to server to provide secure communications on a public network.

As per claim 16, O'Neil does not specifically teach the invention of claim 14, wherein the access method is an extranet Web service.

Shanumgam teaches of a network device providing extranet Web services (fig. 1; col. 4, lines 34-39; col. 5, lines 37-43; col. 6, lines 9-13. VPN service to connect to a public network).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the server to provide extranet Web services.   The motivation for the suggested combination is that O'Neil suggests desirability of allowing different services by teaching that the invention can be used with different types of servers. Furthermore, Shanumgam's teachings would improve the suggested system by enabling to server to provide secure communications on a public network.

As per claim 18, O'Neil does not specifically teach the network in claim 17, wherein the access method service is a private network service.

Shanumgam teaches of a network device providing VPN service (fig. 1, 17; col. 4, lines 34-39; col. 5, lines 37-43; col. 14, lines 35-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neil and Shanumgam for the server to provide VPN service.   The motivation for the suggested combination is that O'Neil suggests desirability of allowing different services by teaching that the invention can be used with different types of servers. Furthermore, Shanumgam's teachings would improve the suggested system by enabling to server to provide secure communications on a public network.

As per claim 19, O'Neil does not specifically teach the network in claim 17, wherein the access method is an extranet Web service.

Shanumgam teaches of a network device providing extranet Web services (fig. 1; col. 4, lines 34-39; col. 5, lines 37-43; col. 6, lines 9-13. VPN service to connect to a public network).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neil and Shanumgam for the server to provide extranet Web services. The motivation for the suggested combination is that O'Neil suggests desirability of allowing different services by teaching that the invention can be used with different types of servers. Furthermore, Shanumgam's teachings would improve the suggested system by enabling to server to provide secure communications on a public network.

(10) Response to Argument

Applicant argued:

(1) O'Neil and Wilding - individually and collectively - fail to disclose a feature of "a load balancer stored in memory and executable by a processor to perform load balancing on receiving communications based on at the working status of the at least one platform service", wherein the working status refers to 'working status' or 'running, not running, or starting.' With respect to Wilding, Examiner notes instances of 'working status' but fails to cite any 'load balancing' based on 'working status' of running, not running, or starting.' The claims, when read as a whole, clearly require that 'load balancing' be 'based on at least the working status' of running, not running, or starting.' Applicants respectfully submit that the Examiner fails to consider the references and the claimed invention as a whole.

In response, Examiner considered the references and claimed invention as a whole and determined that the claimed invention as a whole would have been obvious. Examiner considered the whole of the invention as load balancing based on working status, which is taught by O'Neil. O'Neil teaches of a load balancer stored in memory and executable by a processor to perform load balancing on receiving communications based on a working status of the at least one platform service (col. 6, lines 34-

36; col. 7, lines 24-31).   O'Neil teaches of load balancing based on a working status of a platform

service comprised in the network appliance (col. 6, lines 21-26) and teaches of load balancing based on

working status of running or not running of services of other network appliances (col. 7, lines 4-13, 20-

27). O'Neil, in general, does deal with load balancing based on a working status indicating running or not

running.   O'Neil does not teach that the service monitor specifically monitors running or not running of

the platform service comprised in the network appliance.

Wilding teaches of an appliance comprising a service monitor and a service (Paragraphs 0021-

0022). The service monitor monitors a working status of the service for processing a request, wherein the

working status indicates at least running or not running (Paragraphs 0035-0036). Wilding does not merely

teach of monitoring a working status of running or running but similarly teaches an appliance comprising

a service and a service monitor that monitors a status of the service. Wilding similarly deals with

monitoring the working status of a service, performing an action based on the working status, and

servicing a request based on the working status. While the action is not specifically load balancing,

Examiner considers the above teachings and an action to enable servicing based on monitored working

status of running or not running to be sufficient to properly combine the references to teach Applicant's

invention, especially since O'Neil teaches the action of load balancing based on working status.

Applicant argues that Wilding does not teach load balancing. However, load balancing based on

working status is taught by O'Neil. One cannot show nonobviousness by attacking references

individually where the rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

(2) The Applicants respectfully submit that the Examine has used impermissible hindsight to

reach a conclusion of obviousness since Wilding has nothing to do with 'load balancing'. A person of

ordinary skill in the art looking to improve upon "load balancing" would not look to incorporate Wilding. Wilding does not have anything to do 'load balancing'.

In response, firstly, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Secondly, Applicant appears to focus only on a teaching of 'load balancing' as a possible motive for combining the references. Examiner disagrees that since Wilding does not disclose load balancing, it would not be obvious to combine the teachings, i.e. that Wilding needs to deal with 'load balancing'. There are other reasons for combining the references. For instance, O'Neil also teaches that various changes and modifications made be made without departing from the spirit and scope of the claimed Invention (col. 9, lines 32-39). Wilding teaches of a monitoring a status of a service to process a request, wherein the status is at least running or not running. It would have been obvious to one of ordinary skill to combine teachings from similar inventions that monitor for working status of a service and perform load balancing based on other types of known working statuses that are monitored in order to service requests. Combining the references to modify O'Neil to additionally monitor for a status of not running or running to service requests does not depart from scope of O'Neil and would still enable load balancing of requests.

O'Neil and Wilding are also considered as analogous arts. Both references are classified under class 709 subclass 223, and the Applicant's application is classified under class 709 subclass 226, which is a subclass indented under subclass 223. Both references similarly deal with monitoring statuses of a service in order to service request(s).

Lastly, Wilding provides teachings of desirability for combining the references. Wilding's

teachings of monitoring for a status of services including a status of running or not running would

improve O'Neil's teachings by enabling corrective measures to taken based on the status and ensure high

availability of service (Paragraphs 0023, 0028).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals

and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Joshua Joo, /JJ/

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454

Conferees:

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